

1 BILL NO. R-80-10-43

2 RESOLUTION NO. R-

95-80

3
4 A RESOLUTION finding, determining and
5 ratifying an Inducement Resolution of the
6 Fort Wayne Economic Development Commission
7 authorizing the issuance and sale of
8 \$300,000.00 Economic Revenue Bonds of the
9 City of Fort Wayne, Indiana, for the purpose
10 of inducing the Applicant, Colligan, Sheehan
11 and Colligan, to proceed with the acquisition,
12 construction and equipping of the Project.

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer")
14 is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue
15 bonds for the financing of economic development facilities,
16 the funds from said financing to be used for the acquisition,
17 construction and equipping of said facilities, and said facili-
18 ties to be either sold or leased to another person or directly
19 owned by another person; and

20 WHEREAS, Colligan, Sheehan and Colligan, an Indiana gen-
21 eral partnership (the "Applicant") has advised the Fort Wayne
22 Economic Development Commission and the Issuer that it proposes
23 that the Issuer lease the same to the Applicant or loan pro-
24 ceeds of an economic development financing to the Applicant
25 for the same, said economic development facility to be a site
26 (220 x 260) at 3737 Lake Avenue and new office building to be
27 erected thereon (the "Project"); and

28 WHEREAS, the diversification of industry and an increase
29 in approximately 3-5 job opportunities to be achieved by the
30 acquisition, construction and equipping of the Project will
31 be of public benefit to the health, safety and general welfare
32 of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne
Economic Development Commission, it would appear that the
financing of the Project would be of public benefit to the

health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$300,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement

the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.



COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY SEPTEMBER 30, 1980.



JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Sees,
seconded by GiaQuinta, and duly adopted, read the second time
by title and referred to the Committee Sees (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on 10-28-80, the 10-28-80 day of October, 1980, at 10:30 o'clock 10:30 M., E.S.T.

DATE: 10-28-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Sees,
seconded by Sees, and duly adopted, placed on its
passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
BURNS	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
EISBART	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
GiaQUINTA	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
NUCKOLS	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
SCHMIDT, D.	<u> </u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
SCHMIDT, V.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
SCHOMBURG	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
STIER	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TALARICO	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 11-25-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) No. R-95-80
on the 25th day of November, 1980.

ATTEST:
Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)
Vivian H. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 26th day of November, 1980, at the hour of
2:30 o'clock 2 M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 21st day of Dec.
1980, at the hour of 10:30 o'clock 10:30 M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. R-80-10-43

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN

ORDINANCE finding, determining and ratifying an Inducement

Resolution of the Fort Wayne Economic Development Commission

authorizing the issuance and sale of \$300,000.00 Economic

Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose

of inducing the Applicant, Colligan, Sheehan and Colligan, to

proceed with the acquisition, construction and equipping of the

Project

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

MARK GIAQUINTA, VICE CHAIRMAN

BEN EISBART

PAUL M. BURNS

DONALD J. SCHMIDT

John
Mark E. Giaquinta
Ben Eisbart
Paul M. Burns
D. Schmidt
11-25-80
CONCURRED IN
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF THE FORT WAYNE
ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Colligan, Sheehan and Colligan, an Indiana general partnership, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, construct, and equip an economic development facility and sell or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be a 8800 square foot office building for the purpose of providing commercial office space, including the real estate on which it is to be located at 3737 Lake Avenue, Fort Wayne, Indiana on approximately a 1.3 acre tract of land (the "Project"); and

WHEREAS, Charles A. Colligan, Eugene I. Sheehan and Stanley P. Colligan will guarantee all bond payments, if necessary; and

WHEREAS, the diversification of commercial activity and an increase in approximately 3-5 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the competitive effect of the acquisition and construction of the facility on any other similar facility already constructed or operating in or about Fort Wayne, Indiana has been examined by the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Fort Wayne Economic Development Commission:

1. It finds and determines that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that this Commission and the Issuer take such action as it lawfully may to encourage diversification of commercial activity and promotion of job opportunities in and near said Issuer.

2. It further finds and determines that the issuance and sale of revenue bonds in an amount not to exceed \$300,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

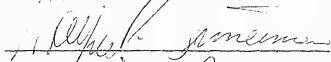


3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, this Commission hereby determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses,

attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same Project.

Adopted this 11th day of August, 1980.

FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION



THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

September 30, 1980

Mr. Charles A. Colligan
3435 Mono Gene Drive
Fort Wayne, IN 46806

Dear Mr. Colligan:

You are hereby notified that the Board of Zoning Appeals of the City of Fort Wayne, at its meeting held on September 25, 1980, GRANTED AND DEFERRED the appeals taken from the action of the Zoning Enforcement Officer.

CASE NO: 95-1980-Z - An appeal to allow a special use (professional office) in an R-3 District. An appeal to allow an I.D. sign in an R-3 District. An appeal for front yard setback from 25' to 5' in an R-3 District.

The Board deferred the approval of the I.D. sign until a rendering of the sign is supplied to the Board. At that time, they will make their decision. The other two appeals were granted.

The permits necessary to begin construction of the work can be obtained in our office, Room 830, City-County Building.

Sincerely,

Nancy C. Niemann

Nancy C. Niemann, Clerk
Board of Zoning Appeals

/nn



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

4 September 1980

Mr. John Hoffman
City Attorney
One Main Street
Fort Wayne, IN 46802

Re: EDC Application of Colligan, Sheehan, and
Colligan - Office Building at 3737 Lake Ave.

Dear Mr. Hoffman:

The City Plan Commission recommended "DO PASS" on the rezoning request submitted by Edwing C. Errington for property to be used by Colligan, Sheehan, and Colligan at 3737 Lake Avenue. The request was to rezone the property at 3737 Lake Avenue from R-1 to R-3. The City Council as of this date has not take final action on the rezoning request.

An application has been filed by Charles A. Colligan with the Board of Zoning Appeals and is scheduled for public hearing on September 25, 1980. The substance of the appeal is as follows:

1. An appeal to permit an office in an "R-3" district.
2. An appeal for a front yard setback from 25' to 5' to construct an I.D. Sign and privacy fence.
3. An appeal to construct an I.D. Sign in an "R-3" district.

If the rezoning is approved by the City Council and the Board of Zoning Appeals request is granted, the use proposed by Mr. Colligan will be permitted.

Sincerely,

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

NIETER, DIXON & WHITMORE
ATTORNEYS AT LAW

SUITE 222 UTILITY BUILDING
FORT WAYNE, INDIANA 46802

PALL F. NIETER
THOMAS J. DIXON
JOHN M. WHITMORE, JR.
MAX A. MYERS
DENIS L. KOEHLINGER

AREA CODE 219
TELEPHONE 426-2244
OF COUNSEL
PAUL J. SAUERTEIG

October 16, 1980

John Hoffman, Esq.
City Attorney
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Re: EDC Application of Colligan, Sheehan & Colligan
To Construct Office Building at 3737 Lake Avenue,
Fort Wayne, Indiana

Dear John:

This is to advise you that the Board of Zoning Appeals Petition was submitted and heard with approval having been given by the City Council on September 23, 1980, signature by Mayor Moses on September 26, 1980 and newspaper publications on October 4th and October 11th.

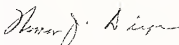
The Bill Number is Z-80-07-13.

The City Plan Commission had previously recommended a "DO PASS" on the rezoning request to rezone the property from R-1 to R-3.

If there is any additional information that is required by you, please contact me.

Sincerely,

NIETER, DIXON & WHITMORE


THOMAS J. DIXON

TJD/n
cc: Mr. Colligan

Memorandum

To Economic Development Commission Date Aug. 11, 1980
From Paul Norby, Director of Planning
Subject EDC Bond for Colligan, Sheehan and Colligan

COPIES TO:

This proposal for an office building does comply with Allen County's Overall Economic Development Program in that it will increase the City and County tax base and will create new jobs. Based on a \$300,000 bond, the three to five new jobs created will cost from \$100,000 to \$60,000 per job.

The goals of the Fort Wayne Comprehensive Plan to promote development adjacent to existing developed areas and for new developments to be compatible with existing and planned land uses in the area are applicable. Office development is specifically encouraged along Lake Avenue by the City's Land Use Policies.

The existing zoning of R-1 (Single Family) as given in the application is not appropriate for this project. A zoning classification fo R-3 (Multi-Family) with a Board of Zoning Appeals approval for office use will be necessary before an Improvement Location Permit may be issued.

REPORT OF THE FORT WAYNE ECONOMIC DEVELOPMENT
COMMISSION CONCERNING THE PROPOSED FINANCING
OF ECONOMIC DEVELOPMENT FACILITIES FOR
COLLIGAN, SHEEHAN AND COLLIGAN

Having been furnished certain data by the above applicant, and having had discussions with representatives of said applicant, the Fort Wayne Economic Development Commission now submits the following report pursuant to Indiana Code 18-6-4.5-16.

Description of Proposed Facilities

Site (220 x 260) at 3737 Lake Avenue and new office building
to be erected thereon.

Estimate of Public Services Required

All public services, including water and sewage, now exist. No public facilities will be made necessary on account of the proposed facilities.

Total Project Cost

The total project cost for the purchase, construction and equipping of the facilities is estimated to be \$ 300,000.00, including costs of issuance of the economic development revenue bonds.


Number of Jobs and Estimated Payroll

It is anticipated there will be approximately 3-5 new jobs created by this project with an estimated payroll increase of approximately \$ 50,000.00 annually.


Adverse Competitive Effect

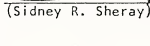
The construction of the facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or near Fort Wayne, Indiana.

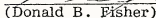
Dated this 22nd day of August, 1980.


(Wayne P. Simerman)


(Jack Gren)


(Louis R. Dinwiddie)


(Sidney R. Sheray)



(Donald B. Fisher)

Date August 11, 1980

To: Economic Development Commission

Subject: Colligan/Sheehan/Colligan EDC Request

I have briefly reviewed the above name EDC request and find no problems with it.

Frank W. Heyman 
City Controller

FWH/kme

4973 -

DIGEST SHEET

R-80-10-43

TITLE OF ORDINANCE: Inducement Resolution for an issue of \$300,000.00

DEPARTMENT REQUESTING ORDINANCE: Economic Development Commission

SYNOPSIS OF ORDINANCE: A site (220 x 260) located at 3737 Lake Avenue
and new office building to be erected thereon on application of
Colligan, Sheehan and Colligan.

EFFECT OF PASSAGE: The construction of new office building creating
3-5 new jobs with an estimated payroll of approximately \$50,000.00
annually.

EFFECT OF NON-PASSAGE: None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): None.

ASSIGNED TO COMMITTEE: Finance